

**IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE**

**JOANNA SEGUNDO and PHILLIP
SEGUNDO, Individually and as Next
Friends and Parents of,
GRACIELLA SEGUNDO**

Plaintiffs,

v.

JOSHUA STEPHEN,

Defendant.

JURY DEMAND (12)

Case No.

COMPLAINT

Plaintiffs, Joanna Segundo, and Phillip Segundo Individually and as next friends and parents of Graciella Segundo, by and through counsel, and together file this civil action against Defendant Joshua Stephen based upon the following grounds:

PARTIES

1. Plaintiffs Joanna Segundo, Phillip Segundo and Graciella Segundo are residents and citizens of Franklin, Williamson County, Tennessee. Graciella Segundo is the minor child of Joanna and Phillip Segundo.

2. Defendant Joshua Stephen upon information and belief is a citizen and resident of Capitol Hill, Denver County, Colorado and may be served at 1350 North Grant Street, Apartment 625, Denver, Colorado 80203.

3. The events complained of herein occurred in Davidson County, Tennessee. Jurisdiction and Venue are proper.

FACTS

4. On February 9th, 2022, Defendant Joshua Stephen operated a 2002 Jeep Wrangler

bearing (vehicle identification number [REDACTED] on Harding Road in Nashville, Davidson County, Tennessee.

5. Traffic began to slow ahead of Defendant Joshua Stephen.

6. Defendant Joshua Stephen was not paying attention to his surroundings and/or the road conditions ahead of him.

7. Suddenly, and without warning, Defendant Joshua Stephen drove the front end of the motor vehicle he operated into the rear of the motor vehicle operated by Plaintiff Graciella Segundo, causing a forceful collision.

8. Ms. Segundo's 2013 Ford Raptor sustained property damage.

9. The collision described herein was caused by the negligent acts and/or omissions of Defendant Joshua Stephen.

10. Plaintiff Graciella Segundo suffered painful personal injuries and other harms and losses as a result of this collision.

11. As a direct and proximate result of the collision described herein the Plaintiff Graciella Segundo incurred medical expenses for treatment of her injuries and she will likely incur medical expenses in the future.

12. Defendant Joshua Stephen had the responsibility to stay in control of the vehicle he operated on February 9th, 2022.

13. Defendant Joshua Stephen failed to stay in control of the vehicle he operated immediately before the collision described herein.

14. Defendant Joshua Stephen had the responsibility to watch where he was going while driving the vehicle on February 9, 2022.

15. Defendant Joshua Stephen failed to watch where he was going immediately before

the collision described herein.

16. Defendant Joshua Stephen had the responsibility to maintain a safe following distance behind Plaintiff Graciella Segundo on February 9, 2022.

17. Defendant Joshua Stephen failed to maintain a safe distance which resulted in him negligently failing to stop immediately before the collision described herein.

18. Defendant Joshua Stephen had the responsibility to not drive in a manner that needlessly endangered the Davidson County community on February 9, 2022.

19. Plaintiff Graciella Segundo did nothing to cause the collision described herein.

20. Defendant Joshua Stephen is 100% responsible for causing the collision described herein.

NEGLIGENCE / NEGLIGENCE *PER SE*

21. Defendant Joshua Stephen owed a duty of reasonable care to Plaintiff Graciella Segundo.

22. Defendant Joshua Stephen breached the legal duty of reasonable care owed unto Plaintiff Graciella Segundo by committing the following acts and/or omissions and violations of common law, including but not limited to the following:

- a. Failed to exercise due care;
- b. Failed to maintain a proper lookout on the roadway ahead of him;
- c. Failed to exercise caution;
- d. Failed to maintain proper control of the motor vehicle he was operating;
- e. Failed to maintain a safe following distance; and
- f. Failed to see that which was there to be seen and to react reasonably under the circumstances.

23. Defendant Joshua Stephen was negligent in violating one or more of the following statutes of the State of Tennessee which were in full force and effect at the time and place of the collision, constituting negligence *per se*:

- a. Tenn. Code Ann. § 55-8-136: Due Care;
- b. Tenn. Code Ann. § 55-8-124: Following too Closely;
- c. Tenn. Code Ann. § 55-8-199: Driving while Distracted;

24. As a direct and proximate result of the Defendant's negligent acts and/or omissions, Plaintiff Graciella Segundo suffered personal injuries and other damages.

DAMAGES

25. As a direct and proximate result of Defendant Joshua Stephen negligent acts and/or omissions as indicated above, Plaintiff Graciella Segundo sustained harms and losses to her body and to his earning capacity.

26. As a direct and proximate result of Defendant Joshua Stephen negligent acts and/or omissions, Plaintiff Graciella Segundo has become liable for certain medical expenses related to the injuries suffered from the collision described herein.

27. As a direct and proximate result of Defendant Joshua Stephen negligent acts and/or omissions, Plaintiff Graciella Segundo is entitled to recover damages from one or more of the Defendants for the following:

28. Due to the reckless conduct of Defendant Joshua Stephen as he negligently, carelessly, and recklessly operated a motor vehicle, Plaintiff Graciella Segundo is entitled to an appropriate award of punitive damages and demands the same against this Defendant.

RELIEF SOUGHT

WHEREFORE, PREMISES CONSIDERED, Plaintiffs bring this action against

Defendant and demand judgment against for compensatory damages in a fair and reasonable sum to be determined by a jury of twelve (12) peers under the law and evidence. Plaintiffs further demand any such general relief to which they may be entitled.

Respectfully submitted,

GRIFFITH LAW, PLLC

/s/ Craig P. Glenn

Craig P. Glenn, #31439

256 Seaboard Lane Suite E-106

Franklin, TN 37067

Craig@GriffithInjuryLaw.com

(615) 807-7900